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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,150	01/08/2001	Yuzhong Shen	Q62421	4416

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/755,150

Applicant(s)

SHEN ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by over Norris et al. (U.S. Patent 5,805,587).

Regarding claim 1, Norris et al. teach a process for handling incoming telephone calls for a subscriber line of a telecommunications network while an online data network session is blocking the subscriber line (col. 5, lines 48-52), wherein a terminal (Fig. 1, DT1) sets up a connection to an access device (Fig. 1, 300) sends current access data to the terminal the process comprising the steps of: the terminal signaling the current access data to a service computer (Internet Access Service - IAS 200) of the telecommunications network (col. 2, lines 15-19); a switching center of the telecommunications network signaling to the service computer the fact that an incoming call destined for the subscriber line is waiting (col. 5, lines 48-58); and the service computer supplying at least one predetermined service for the purpose of processing the incoming call (Processor 205 in IAS 200 forms an alerting message containing call answering options, i.e. connect to voice mail - col. 6, lines 29-36).

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Regarding claim 2, Norris et al. teach the service computer sends a message to the terminal in which attention is drawn to the incoming call (col. 6, lines 34-50).

Regarding claim 3, Norris et al. teach the service computer forwards the incoming call to an alternative destination (col. 6, lines 29-36). For example, connect to voice mail.

Regarding claim 4, Norris et al. teach the service computer forwards the incoming call to the terminal via the online data network (col. 1, lines 41-44 and col. 6, line 35 - "connect call").

Regarding claim 5, Norris et al. teach the switching center and the terminal ("the platform") interrupts the online data network session blocking the subscriber line and notifies the incoming call on the subscriber line (see Abstract, lines 6-11).

Regarding claim 6, Norris et al. teach the service computer sends a selection menu to the terminal, the terminal ascertains a selection that has been made by the subscriber (col. 8, lines 29-32), the terminal sends the selection to the service computer (col. 8, lines 39-41), the service computer supplies the follow up service (col. 8, lines 6-48).

Claim 7 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 8, Norris et al. teach the switching center signals to the service computer a clear down of the connection blocking the subscriber line of the terminal to the access device of the online data network via the subscriber line (col. 8, lines 6-14).

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Regarding claim 9, Norris et al. teach when a call comes in, the switching center signals the service computer the fact that an incoming call destined for the subscriber is waiting (col. 1, lines 40-46).

Claim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Norris et al. teach a transmitter configured in such a way that the switching center send a message to a service computer if an incoming call destined for the subscriber line is blocked by an online data network session (col. 8, lines 6-48).

Regarding claims 12 and 13, Norris et al. teach a terminal (DT1 - i.e. a personal computer having multimedia and telephony capability col. 2, lines 13-15) for handling incoming telephone calls for a subscriber line while an online data network session of the terminal is blocking the subscriber line comprises: a receiver configured in such a way that the terminal can receive current access data from an access device (Fig. 1, 300) of an online data network which the access device sends to the terminal in the course of setting up a connection to the online data network via the subscriber line (col. 2, lines 41-45), the service computer sends access data to the terminal (col. 2, lines 65-66 and col. 3, lines 14-16; and a transmitter configured in such a way that the terminal can send the current access data to a service computer (col. 3, lines 10-16); an execution apparatus configured in such a way that the terminal can execute the instructions (col. 3, line 14 - "software loaded in terminal DT1").

Claims 14 and 15 are rejected for the same reasons as discussed above with respect to claims 12 and 13, respectively. Furthermore, Norris et al. teach the program

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module containing program code (col. 2, lines 65-66 and col. 3, line 14 - "software loaded in terminal DT1").

Regarding claims 16 and 17, a memory storing a program module is inherent in the terminal DT1. For example, a CPU or memory for storing a program module resides in a personal computer having multimedia and telephony capability.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al. (U.S. Patent 5,805,587).

Regarding claim 10, Norris et al. teach the service computer (Fig. 3 - Internet Access Server) comprises: a receiver for receiving access data sent from the terminal to the online data network via the subscriber line (Fig. 3, 150-11), and further configured such that the service computer can receive a message from a switching center of the telecommunications network in which the switching center signals to the service computer an incoming call destined for the subscriber line (col. 3, line 16 through col. 4, line 50); a memory (Fig. 3, 205); a service supply configured in such a way that the service computer can supply at least one predetermined service (Fig. 3, voice mail server 165). However, Norris et al. do not explicitly describe specific functions of each component in the service computer. It would have been obvious to one of ordinary skill

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in the art at the time the invention was made that a standard component in any computer or service computer would serve the same standard function. For example, a memory is used to store data.

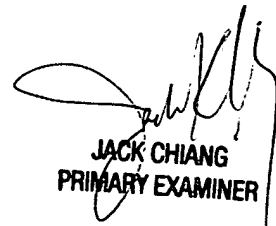
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
April 5, 2004

  
JACK CHIANG  
PRIMARY EXAMINER